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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

CORSARO, NICK

ART UNIT PAPER NUMBER

2684

DATE MAILED: 08/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/784,801

Applicant(s)

DORENBOSCH, JHEROEN P.

Examiner

Nick Corsaro

Art Unit

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

Response to Arguments

1. Applicant's arguments filed 07/02/2002 have been fully considered but they are not persuasive.

The applicants features in the claims wherein in a wireless communication system has a resource controller to control at least one communication resource used to provide communication services to wireless devices operating in the system that includes an operator interface that interfaces the resource controller so that an operator can interactively and explicitly specify communication service availability to the wireless devices by controlling at least one available resource, reads on Obhan in view of Sen, as follows.

Obhan is stating a system that manages the subscriber load in a wireless communication system. Obhan states determining load within the communication system and making access rules that define when the subscribers in the system can access the system. Therefore, Obhan has stated the feature of the applicant's claims, namely, "a communication system with a plurality of communication devices and a system resource controller used to provide communication services to the wireless devices". Further, Obhan states an operator interface for interfacing the resource controller where the operator can set the system parameters that allow subscribers to access the communication resources. Therefore, Obhan has stated the feature of "having an operator interface and that the operator uses the interface to control at least one communication resource to control service availability for communication devices", and since the service availability directly effects the devices the actions of the operator are interactive and explicit.

The Obhan reference, however, is directed toward the balancing of load in the system, and

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therefore, does not particularly point at the operators actions, but, only points toward the interface being used to set system parameters that control access of subscribers, and the results of the operators actions. Therefore, Sen modifies Obhan to show it would be obvious to have the operator use the operator interface and interact with the system. Both the Obhan and Sen references deal with communication system resource allocation, and therefore, one can be used to modify the other and the references are combinable. Since Obhan in view of Sen shows all of the features, the applicant's arguments are not persuasive.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Obhan et al. (6,366,780) in view of Sen et al. (6,330,451).

Consider claims 1 and 8, Obhan discloses a communication system that provides communication services to a plurality of communication devices over one or more radio frequency (RF) channels (see abstract lines 1-4). Obhan discloses a resource controller that controls at least one communication resource used to provide the communication services to the plurality of communication devices (see col. 6 lines 23-35, col. 2 lines 35-46, col. 4 lines 63-67, and col. 5 lines 1-23). Obhan discloses an operator interface connected to the resource controller that allows an operator to specify the resource parameters for the system in real time

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wherein when an operator accesses a system they are interactive with the system therefore Obhan discloses an operator interface (204, figure 2) that interfaces with the resource controller to inherently let a an operator interactively and explicitly specify and communication service availability to the plurality of the communication devices (see col. 8 lines 41-53, and col. 11 lines 50-67). Obhan discloses the specified availability is obtained by controlling the at least one communication resource (see col. 11 lines 50-67, col. 22 lines 55-67, and col. 23 lines 1-16). Obhan does not specifically disclose the operator interacts with the resource controller. Sen teaches an operator interacts with the controller (see col. 10 lines 63-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Obhan, and have the operator interact with the resource controller, as taught by Sen, thus allowing the system operator to modify system configuration parameters.

Consider claims 2 and 9, Obhan discloses the service availability is modified by changing at least one parameter essentially consisting of: a number of communication devices that receive the communication services; a number of communications devices that receive the communications services in a cell; a bit rate over an RF channel used to communicate data with the communication devices; and a coding algorithm used to communicate information with the plurality of communication devices (see col. 22 lines 55-67, and col. 23 lines 1-60).

Consider claims 3 and 10, Obhan discloses the computer based system that changes the availability where computer based system inherently have algorithms, therefore Obhan discloses a system parameter is changed based on an inherent preprogrammed algorithm to interactively modify communication service availability to the plurality of the communication devices (see col. 4 lines 63-67 col. 4 lines 1-15, and col. 6 lines 57-67). Obhan does not specifically disclose

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and algorithm. Sen teaches an algorithm (see col. 10 lines 63-67 and col. 11 lines 1-5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Obhan, and use an algorithm, as taught by Sen, thus allowing the computer system to perform a repeated function.

Consider claim 4, Obhan discloses the resource controller monitors one or more system parameters to interactively modify communication service availability to the plurality of the communication devices (see col. 22 lines 55-67, and col. 23 lines 1-18).

Consider claims 5 and 11, Obhan discloses a system parameter essentially consists of at least one of a number of registered subscribers, load on a RF channel, load on a communication resource, a traffic mix, or a coding algorithm (see col. 5 lines 13-24, and col. 5 lines 50-67 and col. 6 lines 5-16).

Consider claims 6, 12, and 13, Obhan discloses the resource controller monitors load on one or more communication resources over a defined period of time to determine how to control the at least one communication resource (see col. 5 lines 41-59, col. 5 lines 13-24, and col. 5 lines 50-67 and col. 6 lines 5-16).

Consider claims 7 and 14, Obhan discloses the resource controller monitors the time that a communication resource is out of service for deriving load distributions, to control the at least one communication resource (see col. 2 lines 62-67, col. 3 lines 1-11, col. 5 lines 15-23, col. 5 lines 40-50 and col. 6 lines 5-16).

Conclusion

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

3. Any inquiry concerning this communication should be directed to Nick Corsaro at telephone number (703)306-5616.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Hunter, can be reached at (703) 308-6732. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology center 2600 only)


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 customer Service Office whose telephone number is (703) 306-0377.

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Nick Corsaro



THANH CONG LE
PRIMARY EXAMINER



8/19/02